

State of Rhode Island and Providence Plantations
Department of Environmental Management

PUBLIC NOTICE & WORKSHOP

Pursuant to the provisions of Chapters 20-1, 20-1-4, 20-1-8, 42-17.1, 42-17.1-2 and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the *Administrative Procedures Act* Chapter 42-35 of the General Laws of 1956, as amended, the Director of the Department of Environmental Management (DEM) proposes rulemaking relative to the *RI Hunting Regulations for the 2018 – 2019 and 2019 - 2020, RI Freshwater Fishing Regulations for the 2019 - 2020 Season and RI Falconry Regulations for the season*; and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment. Public comments will be solicited on the following proposals:

Public comments will be solicited on the following proposals:

1. Proposed amendments of the RI Hunting Regulations for the Season
2. Proposed amendments of the RI Freshwater Fishing Regulations for the Season
3. Proposed amendments of the RI Falconry Rules and Regulations

The **workshop** will be held on **Thursday, May 17, 2018 at 5:30 P.M.** in Room 300 at the Department of Environmental Management, 235 Promenade Street, Providence.

The **public hearing** will be held on **Thursday, May 17, 2018 at 7:00 P.M.** in Room 300 at the Department of Environmental Management, 235 Promenade Street, Providence. A recording of the hearing will be made.

The workshop and hearing room is accessible to the handicapped. The DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 for TDD (401) 831-5508. Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to the Division of Fish and Wildlife, 227 Great Neck Road, West Kingston, RI 02892 no later than **4:00 PM on May 22, 2018.**

A copy of all the proposed regulations will be available for examination from April 17, 2018 through May 22, 2018 by mail or at the offices of the Division of Fish and Wildlife located at 277 Great Neck Road, West Kingston, RI 02892, weekdays from 8:30 - 4:00 PM or by calling the Division at (401) 789-0281. Electronic copies of the proposed regulations will also be available on the DEM website at <http://www.dem.ri.gov/documents/regulations/index.php>

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Department at the address indicated above and should be received no later than 4:00 PM on **May 22, 2018.**

Janet L. Coit
Director, Department of Environmental Management
Posted

State of Rhode Island and Providence Plantations
Department of Environmental Management
Division of Fish and Wildlife

**Concise Summary of Proposed Non-technical Amendments
to the
RI Fishing Regulations for the Season**

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

1. Section 10.6.1 (A) (1), 10.6.1 (A) (8), (17) clarification of language
2. Section 10.6.1 (A) (15) removal of trout waters
3. Section 10.6.1 (A) (15) more description to the trout waters

250-RICR-60-00-10

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 60 - FISH AND WILDLIFE

SUBCHAPTER 00 – N/A

PART 10 - Fishing Regulations for the Season

10.1 Purpose

The purpose of these Rules and Regulations is to regulate freshwater fishing seasons and bag limits annually.

10.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws §§ 20-1-12 and 20-1-13, as well as Chapters 42-17.1, and 42-17.6, in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures Act of Rhode Island General Laws of 1956, as amended.

10.3 Application

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of state laws, goals, and policies.

10.4 Severability

If any provision of these Rules and Regulations, or the application, thereof, to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

10.5 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of freshwater and diadromous fisheries shall be superseded. However, any enforcement action taken by, or application submitted to the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

10.6 Regulations

10.6.1 Freshwater Fisheries Regulations

A. As Follows:

1. The open season on all species of trout, salmon, and charr shall close annually on the last day of February at midnight and shall commence at 6:00 AM on the second Saturday in April annually. From the second Saturday in April through November 30th annually, the daily creel and possession limits for trout shall be five (5) fish; and from December 1st through the last day in February, annually, the daily creel and possession limits for trout shall be two (2) fish. All designated trout waters (§ 10.6.1(A)(15) of this Part) shall be closed to all fishing from the last day of February at midnight and shall commence at 6:00 AM on the second Saturday in April annually, unless otherwise designated. Possession of trout, salmon, or charr taken from any waters of the state during the closure shall be prohibited.
 - a. Free Fishing Days: A freshwater fishing license shall not be required by residents or non-residents on the first full weekend in May, annually.
2. The daily creel and possession limits for northern pike shall be two (2) fish, and the minimum size limit shall be twenty-four (24) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish, and the minimum size limit for chain pickerel shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). No person shall possess any northern pike less than twenty-four (24) inches in total length or chain pickerel less than fourteen (14) inches in total length.
3. The daily creel and possession limits for black bass (largemouth and smallmouth bass) shall be five (5) fish, either singularly or in aggregate, and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). No person shall possess any black bass less than twelve (12) inches in total length.
4. The creel and possession limit for domestic or landlocked Atlantic salmon (*Salmo salar*) in the fresh waters of Rhode Island shall be two (2) fish per day and shall be included in the daily limit for trout, salmon, or charr. The minimum size for Atlantic salmon shall be fifteen (15) inches total length. No person shall take any Atlantic salmon from the Pawcatuck River downstream of the Potter Hill Dam.
5. The recreational creel or possession limits for American eel (*Anguilla rostrata*) shall be twenty-five (25) fish per day, per person, and the

minimum size shall be nine (9) inches (measured from the tip of the snout to the end of the tail). No person shall possess any American eel less than nine (9) inches in total length. No person shall take an eel from the freshwaters of the state unless in possession of a valid Rhode Island Freshwater Fishing license. There will be no closed season. No American eel may be commercially harvested from the freshwaters of the state and offered for sale without a valid commercial fishing license per Rhode Island Marine Fisheries (RIMF) regulations. If harvesting commercially with a valid commercial fishing license from the freshwaters of the state, fishermen must adhere to regulations as set forth in RIMF regulations, (Part 90-00-3 of this Title).

6. The creel and possession limits for trout or charr taken in the Wood River between Route 165 and Barberville Dam at Arcadia Road shall be limited to two (2) fish from the second Saturday in May through the last day of February, annually.
7. The following waters shall be restricted to the use of artificial flies, a conventional fly rod, and a single-action reel: Deep Pond, Exeter; A.L. Mowry Pond, Smithfield; and Upper Rochambeau Pond, Lincoln.
8. The following waters shall be restricted to fishing by children fourteen (14) years of age and younger: Frosty Hollow Pond, Exeter; Geneva Pond & Brook, North Providence; Lapham Pond, Burrillville; Seidel's Pond, Cranston; Silvy's Pond, Cumberland; Lloyd Kenney Pond, Hopkinton from the 2nd Saturday in April through Memorial Day only; and Cass Pond, Woonsocket. For the first two (2) days of the season (Saturday / Sunday), Slater Park Pond, Pawtucket and Ponderosa Park Pond, Little Compton are restricted to children only.
9. The following activities shall be Prohibited:
 - a. using corn for bait in any designated trout waters.
 - b. chumming in any designated trout waters.
 - c. snagging fish in any fresh waters.
 - d. tagging, branding, marking, or otherwise willfully mutilating any fish which is to be released alive into any fresh waters of the state except by special permit issued by the Division of Fish and Wildlife.
 - e. the use as bait of any variety of goldfish (*Carassius auratus*) in the fresh waters of the State.
 - f. the importation, sale, or possession of any variety of nonnative fish, including, but not limited to, goldfish (*Carassius auratus*), green

sunfish (*Lepomis cyanellus*), or fathead minnows (*Pimephales promelas*) for use as bait in the fresh waters of the State.

10. With the exception of designated catch-and-release areas, any legally caught trout, salmon, or charr taken from the fresh waters of Rhode Island shall be immediately released alive into the waters from which it was taken or shall be killed at once and become part of the daily bag limit.
11. At Beach Pond, Exeter, the season for trout shall open on the second Saturday in April at 6:00 AM and close at midnight on the last day of February, annually. The daily creel and possession limits for trout (all species in aggregate) shall be five (5) fish. The daily creel and possession limits for black bass shall be five (5) fish and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). Six (6) lines with a single hook each may be used while ice fishing.
12. Wallum Lake, Burrillville – Rhode Island Regulations, §§ 10.1 through 10.6, 10.6.1(A)(1) through (5), 10.6.1(A)(9) through(10), 10.6.1(A) (16) through (17) of this Part, apply.
13. Killingly Pond, Glocester and Hazard Pond, West Greenwich shall have the following regulations: the daily creel and possession limits for black bass shall be five (5) fish and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail); Six (6) lines with a single hook each may be used while ice fishing.
14. That portion of the Falls River, Exeter, from the bridge at Austin Farm Road, Exeter, downstream approximately two (2) miles to the bridge off Brook Trail, Exeter, shall be designated as a “no kill” or “catch and release” area. Fishing shall be permitted with artificial lures equipped with a single barbless hook or single barbed hook that has been crimped, and all fish caught shall be returned to the water immediately. The possession of any trout, salmon, or charr while fishing in this section of the river shall be prima facie evidence that said trout, salmon, or charr was taken in violation of these Rules and Regulations.
15. Designated Trout Waters

Name	Location
Abbotts Run Brook	Cumberland

Adamsville Brook and Pond	Tiverton & Little Compton
Aldrich Brook (Butterfly Pond)	Lincoln
Alton Pond	Richmond & Hopkinton
Ashaway River	Hopkinton
Ashville Pond	Hopkinton
Barber Pond	South Kingstown
Beach Pond	Exeter
Beaver River	Richmond
Big River	West Greenwich
Blackstone River	Cumberland & Lincoln
Branch River	Burrillville
Brandy Brook	Glocester
Breakheart Brook	Exeter
Breakheart Pond	Exeter & West Greenwich
Brickyard Pond	Barrington
Browning Mill Pond	Exeter
Brushy Brook	Hopkinton
Bucks Horn Brook	Coventry
Carbuncle Pond	Coventry
California Jim's	South Kingstown
Carolina Trout Pond	Richmond
Cass Pond	Woonsocket
Chepachet River	Glocester & Burrillville

Chickasheen Brook	South Kingstown
Clear River	Burrillville
Curran, J.L. Reservoir	Cranston
Deep Pond (Arcadia)	Exeter
Dexter Pond (<u>Rt.6, private open to the public</u>)	Scituate
Dolly Cole Brook	Foster
Dundery Brook (incl. Wigwam Pond)	Little Compton
Eight Rod Farm Pond	Tiverton
Falls River	Exeter & West Greenwich
Flat River	Exeter
Foster Green Acres Pond	Foster
Frenchtown Park Pond	East Greenwich
Frosty Hollow Pond	Exeter
Geneva Brook & Pond	North Providence
Harris River	Woonsocket
Hopkins Mill Pond	Foster
Hunt River	East Greenwich & No. Kingstown
Lapham Pond	Burrillville
Lloyd Kenney Pond	Hopkinton
Log House Brook	Hopkinton
Meadow Brook	Richmond
Meadow Brook Pond	Richmond

Melville Ponds	Portsmouth
Memorial Park Pond	Lincoln
Meshanticut Brook	Cranston
Moosup River	Coventry
Mowry, A.L. Pond	Smithfield
Olney Pond, Lincoln Woods	Lincoln
Parris Brook	Exeter
Pawcatuck River	Hopkinton, Richmond, Charlestown & Westerly
Pawtuxet River (North branch)	Scituate, Cranston
Pawtuxet River (South branch)	Coventry, West Warwick
Peck Pond	Burrillville
Peepetoad Brook	Glocester
Ponaganset River	Foster
Ponderosa Park Pond,	Ponderosa Park, Little Compton
Roaring Brook & Ponds	Exeter
Round Top Brook	Burrillville
Round Top Ponds	Burrillville
Saint Mary's Pond	Portsmouth
Saugatucket River	South Kingstown
Seidel's Pond	Cranston
Shippee Saw Mill Pond	Foster
Silver Spring Lake	North Kingstown

Silvy's Brook	Cumberland
Silvy's Pond	Cumberland
Simmons Mill Pond	Little Compton
Slater Park Pond	Pawtucket
Spring Grove Pond	Glocester
Stafford Pond	Tiverton
Sylvester's Pond	Woonsocket
Tarbox Pond	West Greenwich
Tarkiln Pond	Burrillville & North Smithfield
Ten Mile River	East Providence
Tiogue Lake	Coventry
Tiverton Trout Pond	Tiverton
Tucker Pond	South Kingstown
Upper Rochambeau Pond	Lincoln
Wallum Lake	Burrillville
Watchaug Pond	Charlestown
Willett Pond	East Providence
Winsor Brook	Foster
Wood River	Exeter, Hopkinton & Richmond
Woonasquatucket River	Smithfield
Wyoming Pond	Richmond & Hopkinton

16. Permits are required for organized fishing tournaments for state fishing and boating access areas and for the following private access areas; Johnson's Pond (Flat River Reservoir), Coventry, and Waterman Reservoir, Glocester. Permits are required for six (6) or more persons and / or three (3) or more boats. Applications for the issuance of a permit must

be submitted to the Division a minimum of three (3) weeks prior to the tournament. An organization may cancel a permitted fishing activity without penalty as long as written notice of the cancellation is received by the Division at least three (3) weeks prior to the event. Failure to provide timely written notice shall result in a one (1) year revocation of an organization's eligibility to receive a permit for any organized fishing activity. Exceptions for unforeseen occurrences (e.g. weather, natural disaster) will apply at the discretion of the Division. The decision of revocation shall rest entirely with the Division. Permit applications may be obtained by contacting RIDEM Division of Fish and Wildlife, 277 Great Neck Rd., West Kingston, RI 02892. Tel: (401)789-7481. Applicants must complete all required information. The Division reserves the right to limit the number of activities per location, per day, time period, or deny a permit for reasons of overuse or conflict with other activities.

- a. The applicant must indicate on the application whether the fishing activity is a "closed" or an "open" activity.
 - (1) A closed fishing activity is an event having a fixed or restricted number of participants.
 - (2) An open fishing activity is an event having an unrestricted number of participants.
 - (AA) If the tournament is closed, the number of boats, vehicles, and participants must be entered on the application. The permit must be retained on site by the sponsor along with the list of participants and boat registration numbers.
 - (BB) If the tournament is open, the names of all participants and registration numbers of each boat on the day of the tournament must be made accessible to RIDEM – Division of Law Enforcement. An estimated count of all participants, vehicles and boats shall be forwarded to the Division at least five (5) days prior to the start of the tournament.
 - (CC) Regardless if a fishing tournament is "closed" or "open", the organization must provide a report to the Division within five (5) days of the termination of the tournament which includes: the number of hours fished, the numbers of boats, numbers of participants, and as applicable, the total number of largemouth bass and smallmouth bass caught as well as the total weights of all largemouth bass and all smallmouth bass processed at the weigh-in. This report may be

sent as a letter to RIDEM Division of Fish and Wildlife or by completing the Bass Tournament Count Form. Failure to complete and submit the required information within five (5) days shall render the organization ineligible to conduct further organized fishing events for one year from the said event. Such revocation shall include any events for which a permit was previously issued.

- b. Applicants requesting a permit for a municipal or private ramp shall be responsible to obtain additional permits for these areas, if necessary.
 - c. These regulations shall not be interpreted as superseding any special boat ramp or state management area regulations.
 - d. Permits, along with lists of participants and boat registrations, shall be available during the tournament for law enforcement purposes and must be clearly displayed in the windshield of the contacts vehicle.
17. ~~It is prohibited that any person using~~ Prohibited is the use of foot gear with external felt soles or any other natural or synthetic porous material capable of absorbing liquid that is attached to the soles of wading gear in any fresh waters of the state. This shall include any waters shared with adjacent states in which any Rhode Island Fishing Regulations apply. Please see § 10.6.2 of this Part.
18. Fisherman utilizing State Management Areas and designated undeveloped State Parks are required to wear fluorescent orange as referenced in the Park and Management Area Rules and Regulations, (Part 100-00-1 of this Title).

10.6.2 Diadromous Fisheries Regulations

- A. No person shall land, catch, take, or attempt to catch or take any alewives (*Alosa pseudoharengus*) or blueback herring (*Alosa aestivalis*) from any fresh waters of the State of Rhode Island. Possession of any alewives or blueback herring, at any time, is prohibited and shall be evidence, prima facie, that said herring was taken in violation of this section.
- B. No person shall erect any artificial obstruction to fish passage in any stream or in any way alter the natural stream bottom to hinder the passage of fish.
- C. No person shall take any American Shad, (*Alosa sapidissima*) from the fresh waters of the state.

- D. No person shall take any smelt, (*Osmerus mordax*) by any means from any stream or river in the state.
- E. Fish Ladders
1. Trespass within or obstruction of the entrance or exit of any fish ladder in the state is prohibited.
 2. For the purposes of regulating Diadromous fishes, all fish ladders owned and operated by the state will be set aside as fish cultivation facilities pursuant to R.I. Gen. Laws Chapters 20-12-1 and 20-12-5.
 3. The areas below each fish ladder, where fishing will be permitted, shall be designated with an official boundary marker or informational sign.
- F. Boundaries – The defined boundaries for the freshwater and saltwater sections of the state’s river and streams, with regard to the areas where Freshwater Regulations apply, are as follows:
1. Pawcatuck River, Westerly-the downstream side of the bridge crossing U.S. Route 1.
 2. Mastuxet Brook, Westerly -the point at which the brook empties into Mastuxet Cove.
 3. King Tom Pond outlet into Ninigret Pond, Charlestown-the spillway at the south end of King Tom Pond.
 4. Factory Pond outlet, S. Kingstown-the seaward opening of the culvert under Teal Road.
 5. Mill Pond outlet into the Cards Pond, South Kingstown-the bridge on Moonstone Beach Road crossing the west neck of Cards Pond.
 6. Smelt Brook, S. Kingstown- the bridge closest to the outlet into Point Judith Pond.
 7. Saugatucket River, S. Kingstown- the downstream side of the Main Street Bridge in Wakefield.
 8. Gilbert Stuart Brook, N. Kingstown-the point at which the river empties into the Pettaquamscutt (Narrow) River.
 9. Wesquage Pond, Narragansett – the culvert at the outlet to Bonnet Shores Beach.
 10. Annaquatucket River, N. Kingstown – the point at which the river empties into Bissel Cove.

11. Cocumcussoc Brook, N. Kingstown-the bottom of the first riffle upstream of Wickford Cove.
12. Potowomut River, N. Kingstown/E.Greenwich-the Forge Road spillway.
13. Maskerchugg River,E. Greenwich-the Boston Post Road (US Rt. 1) spillway.
14. Gorton Pond outlet, Warwick-to the west of the Amtrak Railroad Bridge.
15. Tuscatucket Brook, Warwick-the downstream side of the West Shore Road bridge.
16. Old Mill Creek, Warwick-entirely tidal
17. Warner Brook, Warwick -the Draper Avenue bridge.
18. Buckeye Brook, Warwick -the point at which the stream empties into Narragansett Bay.
19. Lockwood Brook, Warwick -the downstream side of the West Shore Road bridge.
20. Spring Green Pond outlet, Warwick -the downstream side of the Warwick Avenue (RI Rt. 117A) bridge.
21. Pawtuxet River, Warwick/Providence- the Narragansett Parkway spillway.
22. Woonasquatucket River, Providence-the downstream side of the U.S. Route 1N Bridge.
23. Moshassuck River, Providence-the point of confluence with the Woonasquatucket River.
24. Blackstone/Seekonk River-the Main Street spillway.
25. Ten Mile River, E. Providence-the Omega Pond spillway.
26. Annawomscutt Brook, Barrington- the Pilling Chain Company spillway on Bay Spring Avenue.
27. Mussachuck Creek, Barrington-the downstream side of the Washington Road bridge.
28. Runnins River, E. Providence/Seekonk, MA-the downstream side of the Mink Street (RI Rt.114 A) bridge
29. Kickamuit River, Warren-the Warren Reservoir spillway.

30. Sin and Flesh Brook, Tiverton-the downstream side of the Highland Avenue bridge.
31. Nonquit Pond, Tiverton -the bridge at Pond Bridge Road.
32. Pachet Brook, Tiverton –the downstream side of the West Main Road (RI Rt. 77) bridge.
33. Dunderly Brook, Little Compton-the downstream side of the Swamp Road bridge.
34. Cold Brook, Little Compton-the point at which the brook empties into Quicksand Pond.
35. Maidford River, Middletown-the downstream side of the Paradise Avenue bridge.
36. Goose Neck Cove, Newport-entirely tidal.
37. Lily Pond, Newport -the outlet.
38. Almy Pond, Newport -the outlet.
39. Prince Pond (Tiffany Pond), Barrington-the point at which the stream enters the Barrington River.

10.7 Effective Date

The foregoing Rules and Regulations – RI Fish and Wildlife Freshwater and Diadromous Fisheries Regulations, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, unless otherwise indicated below, in accordance with the provisions of R.I. Gen. Laws Chapters 42-35, 42-17.1, and 42-17.6, as amended.